

Holland Township Planning Board

Minutes of the Regular Meeting

May 12, 2014

The meeting was called to order by Chairman Rader:

"I call to order the May 12, 2014 Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on December 12, 2013 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 12, 2013 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute

Chairman Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Dan Bush, Ken Grisewood, Dave Grossmueller, Michael Keady, Michael Miller, Casey Muench, Carl Molter, Dan Rader, Thomas Scheibener, Melissa Tigar, Duane Young, Don Morrow, Esq., Attorney, Richard Roseberry, P.E., Elizabeth McKenzie, Planner, Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: n/a

Let the record show there is a quorum.

Minutes

A motion was made by Tom Scheibener and seconded by Mike Keady to dispense with the reading of the minutes of the April 14, 2014 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Mike Keady who abstained. Motion carried.

Old Business:

There was no Old Business to discuss.

New Business:

There was no New Business to discuss.

Completeness Review:

There were no Completeness Reviews scheduled.

Secretary Kozak went to the office of the Planning Board to ask Carl Molter to return to the dais.

Resolution

- Block 24 Lots 3 & 13 – Huntington Knolls LLC – Amended Site Plan Map(33 pages with a date of Oct 2013) and application forms Received into the PB office (September 24 2013) The Stormwater Management System Hydrologic & Hydraulic Calculations report dated July 2013 was previously rec'd on July 18, 2013. All information is on file. Carried from 11-11-13, 12-09-13, 01-13-14 and 02-10-14 PB Agendas. Condition compliance refined from past approved resolutions. Discussion of the approval of a resolution at the request of the Applicant for a modified set of conditions of all prior approvals for Huntington Knolls LLC., Planned Residential Development. Back to the PB per the judge.
- Ken Grisewood and Mike Keady had to recuse themselves. They left the room.
- Don Morrow stated that the proposed resolution was prepared for the February meeting based on what they (the professionals) understood what the applicant wanted what they remembered and what they believed the board wanted. A meeting of the board professionals and the applicant's attorney was established and the applicant's attorney walked about of the special meeting. Our professionals tried to be fair. Chairman Rader reminded the board that they need to review this resolution tonight. Attorney Morrow read into record the court direction of April 24, 2014 basically directing the planning board to memorialize the resolution by May 13th. Again, the resolution proposed complies with the transcript and accomplishes what the applicant wanted to do.
- A motion was made by Dan Bush and seconded by Dan Rader to introduce the resolution for discussion. All present were in favor. Mike Miller had a correction on page 5 and all agreed that the lots are 3 and 13. Betsy McKenzie will make the correction.

Draft Revised for 2/26/14 Planning Board Meeting

RESOLUTION OF THE TOWNSHIP OF HOLLAND PLANNING BOARD
APPROVING THE REQUEST OF APPLICANT FOR A MODIFIED SET OF
CONDITIONS OF ALL PRIOR APPROVALS FOR HUNTINGTON KNOLLS, LLC,
PLANNED RESIDENTIAL DEVELOPMENT

Block 24, Lots 3, 13 and 13.01

WHEREAS, the Planning Board of the Township of Holland in the County of Hunterdon (Planning Board) did, on May 12, 2003, grant preliminary overall planned development approval, preliminary major subdivision approval, and Phase I preliminary site plan approval to Huntington Knolls, LLC, ("Applicant") for a comprehensive age-restricted planned development known as Huntington Knolls, subject to the satisfaction of the conditions set forth in the Resolution granting said approval that will occupy Lots 3 and 13 in Block 24, adjacent to County Route 519, Milford-Warren Glen Road; and,

WHEREAS, the Planning Board did, on June 12, 2006, grant final site plan approval to the Applicant for the initial phase of the age restricted portion of the development and minor subdivision approval to create Lot 13.01, Block 24, subject to the satisfaction of the conditions set forth in the Resolution granting said approval; and,

WHEREAS, the Planning Board did, on September 12, 2011, approve the conversion of the Huntington Knolls project from the previously approved development of age-restricted housing units to a development of non-age-restricted housing units pursuant to P.L. 2009, c.82, previously Senate Bill No. 2577, which authorizes the conversion of an age-restricted development to a non-age-restricted development as an amendment to a previously approved plan for an age-restricted development provided certain statutory criteria are satisfied; and,

WHEREAS, the Applicant has appeared before the Planning Board to request the clarification, modification and/or removal of certain conditions of the foregoing prior approvals in order to assist in the preparation of a compliant final site plan for Phases II and III of the development; and,

WHEREAS, the Planning Board is desirous of simplifying the effect of the previous resolutions by memorializing in one resolution the conditions of all prior approvals that currently apply to this development; and,

WHEREAS, a public hearing was conducted on November 11, 2013, and December 9, 2013; and,

WHEREAS, the Applicant offered the testimony of Robert Zederbaum, the Applicant's Engineer, as to the relevance of each of the prior conditions of approval; and,

WHEREAS, interested members of the public were afforded the opportunity to cross-examine Mr. Zederbaum as well as to testify regarding Applicant's request; and,

WHEREAS, the Planning Board, after considering the testimony of Mr. Zederbaum, together with the comments of its own professional advisors and the public, hereby amends the resolutions adopted on May 12, 2003, June 12, 2006 and September 12, 2011, by adopting the following list of currently applicable conditions of all prior approvals, and these conditions shall be interpreted to embody all of the conditions of the prior approvals that the Board has determined are applicable to the development and shall hereafter supersede the conditions listed in each of the prior resolutions of approval:

- 1. The 2003 preliminary approval of the comprehensive planned development plan, which was schematic as to the details and specifications of the development, did not, in and of itself, grant any vested rights to the Applicant with respect to the details and specifications of the development. That approval was and is subject to and shall be modified by the details and specifications approved as part of the subsequent preliminary and final site plan approvals for the various phases of the development, except that any phase of the development involving the construction of a single-family dwelling (and its appurtenances) on a separate lot is not subject to site plan review as to the development of that separate lot. The 2003 approval of the comprehensive planned development plan specifically did not exempt the Applicant from complying with, nor did it exempt the Township from enforcing, any development requirements relating to the NJDEP's adoption of stormwater management and water quality regulations unless such regulations themselves provide for such exemption as to any phase of the development that may have already received a preliminary and/or final site plan approval.
- 2. The 2003 preliminary approval of the comprehensive planned development plan was a general plan approval of the approximate locations of the various elements of the planned development, but preliminary and final site plan review and approval shall be required to be granted for each phase of the development before the construction of any element of that phase of the planned development
- 3. No variances other than the two variances specifically approved as part of the 2003 preliminary approval of the comprehensive planned development plan are to be considered approved even if other deviations may have appeared on the schematic plan submitted with the application for preliminary approval of the comprehensive planned development plan.
- 4. In the event of any changes to the approved comprehensive planned development plan or to any approved preliminary site plan for any phase of the development resulting from NJDEP requirements or permit reviews, the modified plan is required to be resubmitted to the Planning Board. If the required changes to the plan are substantial, or if the Planning Board determines that the plan should be substantially

revised as a result of modifications required by the NJDEP, the Planning Board may require a new site plan to be submitted by the Applicant.

- 5. The Applicant is currently proposing a total of 127 residential units on Lots 3 and 30, and, pursuant to the approval of the Conversion Plan in 2011, none of these units is required to be age-restricted.
- The development is now comprised of the following five (5) phases:
 - a. Phase I consists of Lot 13.01, a 20.0 acre lot, which was previously subdivided from the balance of the tract and is developed with a single-family dwelling. It has been represented by the Applicant that this lot is now owned by a group home provider operating a group home on the premises. This lot is no longer considered part of the planned development tract, although conservation easements were required to be placed on portions of the lot as a condition of subdivision approval.
 - b. Phase II consists of open space associated with the development on the remaining 67.16 acres encompassed by the balance of Lot 13 together with Lot 3 as well as a proposed farmette, to be served by a well and septic system and to be accessed off the existing driveway into the tract, which also serves Lot 13.01. The farmette and its curtilage have not been approved for subdivision from the balance of the tract.
 - c. Phase III consists of the development of 44 townhouse units and 10 apartment units (total of 54 units) located in the north end of the tract. Phase III also encompasses the construction of all of Claremont Drive, all of the proposed recreational facilities and areas serving the development, and the required stormwater detention facilities. At this time, the Treatment Works Approval Permit (TWA) issued by the NJDEP for this development covers only 44 units, consisting of 14 one-bedroom units and 30 two-bedroom units as well as 13,800 square feet of clubhouse/office/retail space. The clubhouse/office/ retail space is no longer proposed to be constructed.
 - d. Phase IV consists of 10-16 more apartment units also located in the north end of the tract as well as another 56-62 townhouse units, the latter to be accessed via a driveway system off Claremont Road and located in the southwestern corner of the tract.
 - e. Phase V consists of a 12.63 acre commercial portion of the development that is largely constrained by wetlands and required wetlands transition areas but that includes an existing brick tavern and an existing barn. These structures are permitted to be restored and adaptively reused for any of the types of commercial uses allowed in the district, subject to site plan approval.
- 6. Pursuant to the 2011 Conversion Plan approval (and as required by law), 20 percent, or 26 units out of the total of 127 units approved for this development by the Planning Board, are required to be affordable to low and moderate income households

in full compliance with all of COAH's requirements and the UHAC. The Applicant proposes to address the affordable housing set-aside requirement with 26 rental apartments available to the general public, to be constructed in Phases III and IV of the development, unless the Applicant can demonstrate that the six (6) bedrooms in the group home on Lot 13.01, created as Phase I of the development, satisfy all of the applicable requirements for crediting against Holland Township's fair share obligation as set forth at N.J.A.C. 5:97-1, et seq. (or any subsequent rules and regulations in effect at the time the creditworthiness of the group home is demonstrated), N.J.A.C. 5:80-26.1, et seq., and the Fair Housing Act, as amended. If this is the case, the Applicant need only construct 20 low and moderate income rental units.

- Should the applicant choose to also rent the market units within the development, the Board shall determine whether or not it is feasible to fully integrate the low and moderate income units within the rest of the development, as provided by COAH's regulation at N.J.A.C. 5:97-6.4(f). The Board may incorporate, as a condition of final site plan approval for Phase III, provisions for triggering a review of the applicability of the requirement for, and the feasibility of, fully integrating the affordable units with the market units. The plan for providing the affordable units shall include an identification of the locations of the units, sizes (number of bedrooms), utility systems, provisions for accessibility and compliance with all other applicable COAH and UHAC requirements.
- All of the affordable units shall comply with all requirements set forth at N.J.A.C. 5:97-1, et seq., N.J.A.C. 5:80-26.1, et seq., and the Fair Housing Act, as amended through the date of the issuance of Construction Permits for the affordable units.
- As noted in the description of Phase III, the TWA Permit issued by the NJDEP for this development as of the date of this Resolution covers only the 44 townhouse units in Phase III as well as 13,800 square feet of non-residential space that is no longer proposed. It does not cover either of the two apartment buildings (unless the non-residential allocation can be reallocated to some of the apartments) and it does not cover any of Phase IV. The Township of Holland has proposed and will continue to advocate with the Hunterdon County Planning Board and the Highlands Council to have the entire Huntington Knolls development included within the Township's sewer service area as shown in the amended Areawide Wastewater Management Plan that is currently being prepared for submission to the NJDEP, consistent with the Township's adopted Housing Element and Fair Share Plan. Should that effort not be successful, however, or should it not be concluded by the time Construction Permits are issued for Phase III, or should the TWA permit allocation be inadequate to also cover the ten (10) apartment units proposed in Phase III, then twenty (20) percent of the 44 approved dwelling units in Phase III, or nine (9) units out of the 44, shall be affordable to low and moderate income households, provided that this number may be reduced by the number of credits the Township will be eligible to claim for the group home on Lot 13.01, if and once the Applicant has been able to demonstrate its creditworthiness as provided herein.

- 7. No final site plan approval shall be granted for any phase of the planned development unless the Board finds that such phase will be able to function independently in full compliance with all of the requirements of Holland Township's Land Use Code and the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.). Prior to final site plan approval for each phase, the improvements required for that phase shall either be installed, inspected and approved by the Township Engineer or a performance bond shall be issued to cover the cost of such improvements pursuant to N.J.S.A. 40:55D-53, and no Certificate of Occupancy shall be issued for any dwelling unit in any phase until all improvements associated with that phase have been substantially completed as defined and regulated at N.J.S.A. 40:55D-53 (which specifically excludes the top or surface course of street pavement), provided that the installation of landscaping, may, in the discretion of the Township Engineer, be deferred to an appropriate planting season, if all other required improvements have been substantially completed. Notwithstanding any other provision of this Resolution, upon the grant of final site plan approval for Phase III of the development, the Applicant may obtain a Construction Permit for and may construct one townhouse building to be used as a model for sales or leasing promotions, but such building shall not be sold or rented or otherwise occupied for residential purposes until all improvements associated with Phase III have been substantially completed.
- 8. The issuance of a Certificate of Occupancy for the farmette in Phase II of the development shall not require the construction of any portion of Claremont Drive. A maintenance easement and agreement for the existing driveway shall be submitted to the Board for review and approval and shall be recorded prior to the issuance of a Construction Permit for the farmette in Phase II of the development. Should the development of Phase II occur prior to the construction of the stormwater management facilities that are proposed as part of Phase III of the development, then an appropriate stormwater management plan shall be prepared and implemented for Phase II, as a condition of the grant of a Construction Permit for Phase II and based on the approval of the Phase II stormwater management plan by the Township Engineer.
- 9. The required commercial portion of the development shall be deemed satisfied by the creation of a 12.63 acre commercial portion of the development tract encompassing the existing brick tavern and the existing barn. These structures may be restored and adaptively reused for any of the non-residential uses permitted within the district, subject to site plan approval. The front yard setback variance related to the placement of the existing tavern building was approved on the condition that the existing building be retained, restored and adaptively reused. If the existing building cannot be converted to a permitted use and is to be demolished, then such demolition would be deemed an abandonment of the previously granted front yard setback variance.
- 10. The amount of open space to be provided within the development has been reduced from 42.36 percent of the tract, or 34.55 acres of land, to 36.4 percent of the

tract, or 24.45 acres of land, due to the approval of the subdivision of Lot 13.01 from the tract. The new open space figure is acknowledged to be in excess of the minimum open space requirement of 35 percent of the tract, and the Planning Board recognizes that the areas to be designated as open space may be modified as future phases of the development are refined and approved by the Planning Board, provided that under no circumstances shall the designated open space comprise less than 35 percent of the original tract area. All currently proposed open space areas, regardless of their future ownership, are to be as shown on the approved site plans, with calculations.

Documents addressing the reliability of the provisions for the ownership, maintenance and conservation of the open space in the development shall be submitted to the Planning Board and Township Committee for review prior to the issuance of a Construction Permit for Phase II of the development. These documents may include, at the discretion of the Applicant and with the formal agreement of the Township Committee, documents indicating an intention to convey all or a portion of the open space to the Township of Holland. Any subdivision or conveyance of land within the area encompassed by the planned development prior to the approval and filing of such documents shall be accompanied by an appropriate deed restriction ensuring that the future owner of such land is subject to and bound by all terms and conditions of approval of the planned development, including the imposition of conservation easements and/or permanent deed restrictions, as needed.

- Open space areas shall be subject to such conservation easements or permanent deed restrictions as may be required to effectuate the preservation of such open space, and such conservation easements or deed restrictions shall reflect that no other use shall be permitted thereon except for those open space and recreational uses as may be expressly permitted pursuant to the currently applicable preliminary and/or final site plan approval(s) granted by the Planning Board. The conservation easements or deed restrictions shall run in favor of and be enforceable by Holland Township as well as any open space organization established (or Homeowners' Association that may be established) to own and maintain such open space.
- Certain areas of Lot 13.01 were required to be and shall remain permanently protected by a conservation/tree protection easement in favor of both the owner of (or any Homeowners' Association established for) the Huntington Knolls development and the Township of Holland.
- 11. Prior to obtaining preliminary site plan approval for Phase IV of the development, the Applicant shall provide the Board with records of water usage for all completed and occupied portions of Phase III. Such records shall be obtained from Aqua New Jersey or its successor utility based upon monthly metering data. The Planning Board reserves the right to require the applicant to make any modifications needed and appropriate to reduce water usage in Phase IV, if water usage in Phase III is found to exceed the projections of water usage, in order to maintain consistency with NJDEP permits and requirements.

- 12. The Applicant shall prepare and submit a revised landscaping plan for each phase of the development. All proposed/required tract perimeter buffer plantings shall be shown on the landscaping plan for Phases II and III of the development and shall be installed during Phase II. Such installation shall be completed and inspected for compliance with the Planning Board's approval of the landscaping plan prior to the issuance of a Construction Permit for any dwelling in Phase III.
- All species of landscape plantings used shall be deer resistant, non-invasive and viable where proposed to be planted.
- The previous condition requiring landscaped berms to be provided in all perimeter buffer areas is hereby stricken in favor of preserving and supplementing existing hedgerow vegetation wherever possible.
- To the extent permitted by the NJDEP, detention basins shall be landscaped to screen and soften the impact of the land disturbance involved in creating them.
- All areas disturbed for construction shall, upon completion of that portion of the development, be graded and stabilized and planted as open lawn with an approved turf mix or sod over an appropriate layer of topsoil and shall be maintained in this condition until these areas are ready for the installation of the landscaping approved for the applicable phase of the development.
- 13. A set of proposed Homeowners' Association documents shall be submitted for review and approval by the Planning Board and Township Committee prior to the grant of a Certificate of Occupancy for any unit to be occupied as a dwelling in Phase III of the development (i.e., not including the units in the model building) unless the applicant has previously declared his intention to rent the market units within the development instead of selling them. These documents shall include, but shall not necessarily be limited to, the proposed By-Laws and Declarations of Covenants and Restrictions. These documents (or in the event the units are rented) any residential leases issued by the owner shall include a prohibition against the use of garage space in any manner that precludes the storage and garaging of the number of passenger vehicles each garage is designed to accommodate, including a prohibition against the conversion of garage space to living space; shall prohibit the storage of boats and recreational vehicles within any portion of the development; and shall limit fireplaces, if provided within the dwelling units, to non-wood-burning, non-coal-burning or non-charcoal-burning models.
- 14. The Applicant has represented to the Board that all roads in the development will be privately owned and maintained, and the Board accepts and includes this representation as part of its approval of any phase of the development. Consequently, all plans and all Homeowners Association documents for Phases III and IV of the development, if applicable, shall reflect that the owner and/or Homeowners' Association

will be responsible for the maintenance of all of the on-site improvements proposed in Phases III and IV, including the proposed stormwater collection and detention system, the sanitary sewage collection system, street and area lighting, and all landscaping and buffer areas. All plans for Phase V and any documents related to the ownership or occupancy of the commercial development in Phase V shall reflect that the owner(s) of Phase V shall own and maintain all improvements associated with Phase V, including the stormwater management and sanitary sewer systems, located therein. Any other provisions for maintenance of common and proprietary facilities within the development shall be subject to review and approval by the Planning Board and Township Committee.

- 15. The lighting fixtures to be used along the streets within the development shall be the Sternberg Old Town, Model A850, with Augusta, Model 4200, poles, or their approved equivalent, and that the Old Town lighting fixtures shall be furnished with Sternberg “NightSky” optical systems to reduce the potential for sky glow and glare. Plan notes shall indicate: 1) that the wattage of the lighting fixtures shall be reduced by Applicant upon request of the Planning Board based upon the Board's finding that the lighting given off by such fixtures is unnecessarily bright or causes glare or skyglow at any time after the fixtures are installed and operational; and 2) that none of the proposed outdoor recreational areas or facilities shall be lighted for night play.
- 16. The proposed water system shall be looped in accordance with RSIS standards (N.J.A.C. 5:21-1, et seq.) and to have adequate water storage for fire fighting purposes. In the event that the Applicant has not secured an amended TWA permit for Phase IV prior to the completion of Phase III, the looped portion of the water main shall be constructed in Phase III of the development.
- 17. The appearance of buildings in the development shall reflect the approved architectural plans for the development. Any substantial architectural changes to the exterior appearance of any of the various buildings from the architectural elevations approved by the Planning Board must be submitted to the Planning Board for approval, with the term "substantial" referring to changes in roofline, fenestration placement or style, building materials and colors. Otherwise the buildings shall be required to maintain the general appearance reflected on the architectural elevations approved by the Board in June of 2006 for the townhouse buildings. Architectural elevations and floor plans shall be submitted to and approved by the Board for the apartment buildings prior to approval of the Phase III revised final site plan and both the townhouse and apartment architectural plans shall be fully dimensioned as to the height, width and depth of the buildings.
- 18. Provision shall be made, and shall be shown on the site plans for Phases III and IV of the development, for each townhouse dwelling to have direct access from the living space within the unit to a side or rear ground level private outdoor living area.

- 19. Sufficient recreational facilities shall be provided and shall be shown on the final site plan for Phases II and III to meet the needs of a non-age-restricted community. The outdoor recreational areas and facilities that had been shown on the plans for the age-restricted development shall be at least doubled to meet this requirement and shall be subject to approval by the Board as part of its approval of the final site plan for Phases II and III.
- 20. To the extent that the approvals encompassed in this Resolution include any de minimus exceptions from, or agreements to exceed, any of the standards set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21, et seq.), the Applicant shall have the obligation to notify the Commissioner of the Department of Community Affairs of such exceptions or agreements pursuant to N.J.A.C. 5:21-3.1 and 5:21-3.6, respectively.
- 21. Any reasonable conditions attached to the technical review and Planning Board's approval of the final site plan(s) for Phases II through V of the development shall be in addition to the conditions set forth herein pertaining to all prior approvals as modified herein.
- 22. The following outside agency approvals are required to be granted, if they have not already been received, as a condition of any subdivision or site plan approval granted by the Township of Holland for any phase of the development requiring subdivision or site plan approval, and prior to the issuance of any Construction Permit for the applicable phase:
 - a. Hunterdon County Planning Board approval.
 - b. Hunterdon County Soil Conservation District approval.
 - c. All applicable New Jersey Department of Environmental Protection permits and approvals, including, but not necessarily limited to:
 - 1) Wetlands Disturbance.
 - 2) Flood Hazard Area Disturbance.
 - 3) Dam Safety.
 - 4) TWA for Sanitary Sewer Extension.
 - 5) Amended TWA for additional units in Phase III.
 - 6) RFA General Permit for Construction Activities.
 - 7) Water Extension.
 - d. Approval of the proposed water supply, storage, and distribution system design and details by Aqua New Jersey, Inc., the NJDEP and the Holland Township Fire Chief.

- 23. No lot or dwelling unit in the development shall be conveyed unless and until all applicable deed restrictions, easements and covenants required by this Resolution have been duly recorded or, in the alternative, that the lot or dwelling unit in question has been suitably deed restricted in recognition of its being part of a planned development and thereby subject to any such deed restrictions, easements and covenants that might be required by the Planning Board to ensure compliance with N.J.S.A. 40:55D-45.
- 24. Prior to receiving any final approval, a cost estimate shall be provided by the Applicant's Engineer for review and approval by the Township Engineer. A performance guarantee in the amount of one hundred twenty (120) percent of the approved cost estimate shall be posted with the Township, of which ten (10) percent shall be in cash. The Applicant shall also post a municipal inspection fee deposit in the amount of five (5) percent of the approved cost estimate.
- 25. As a condition of approval for any phase(s) of the development, the Applicant shall confirm with the Planning Board Secretary that all required property tax payments, application and escrow fees are current. All review and inspection escrow accounts shall be maintained with a positive balance by the developer. Upon a finding that the property taxes are overdue or upon depletion of the escrow account, no further reviews will be undertaken and no further inspections will be made until the account is brought up to a positive balance, and, if the site is under construction, a stop work order may be issued by the Township until the escrow account is brought up to a positive balance and all overdue property taxes have been paid.
- 26. This Resolution shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid up and Applicant's accounts are current.
- 27. Prior to the grant of final approval for any phase of the development, the applicant shall have complied with all of the technical comments and recommendations of the Board's professionals with respect to the design of such phase(s), and the Resolution approving such phase shall include not only reasonable conditions pertaining to the development of such phase(s) but also compliance with all of the foregoing conditions set forth in this Resolution, to the extent that such conditions have not yet been met and therefore remain applicable.
- 28. As a condition of final approval for Phases II and III of the development, and prior to the issuance of a Construction Permit for any dwelling in Phases II and III, the Applicant shall enter into a Developer's Agreement with the Township of Holland addressing how all of the conditions of such final approval and of this Resolution will be met.
- ROLL CALL VOTE:
- For:_____

-
- _____
-
- Against:_____
-
- Abstain:_____
-

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- I hereby certify the foregoing to be a true copy
- of a Resolution adopted by the Planning Board
- of the Township of Holland at its meeting held
- on _____, 2014.
-

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- _____
- Maria Elena Kozak, Planning Board Secretary

Applicant’s attorney William Caldwell was present. On behalf of his client, he would like it on record that they are opposed to the resolution. Board Attorney Morrow stated that it is noted that the applicant is opposed to the resolution. Mr. Morrow stated that the secretary requested a certificate from the Applicant’s and Attorney Caldwell stated that he did not have it and that he sent Secretary Kozak a message about that request being forwarded to his client (the applicant).

With no further comment or discussion. A motion was made by Dan Bush and seconded by Duane Young to memorialize the resolution. At a roll call vote, all present were in favor of the motion with the exception of Dan Bush and Tom Scheibener who were opposed and Casey Muench who abstained. Motion carried.

Ken Grisewood and Mike Keady were asked to return to the meeting.

Due to the public hearings being advertised for an 8 pm starting time, the board had to break till 8pm.

Public Hearings

Block 6 Lots 41 & 42 – Estate of Anthony Silva (deceased, by Lucille Maehr & Marie Fasciano, Co-Administratrices) – 273 Ellis Road – Minor Subdivision/Lot Lines Adjustments – Received into our office March 6, 2014 – 45-day completeness deadline is April 20, 2014. Board Action needed. Board Member Carl Molter was recused as he is a member/trustee of the Hunterdon Land Trust. Mr. Molter went to the office of the Planning Board. Deemed complete April 14, 2014.

Dave Grossmueller and Carl Molter had to recuse themselves from the meeting. Dave Grossmueller and Carl Molter left the room.

Applicant’s Attorney Stephen Groenberg was present. This is a feel good application. It is not a new application creating new homes. The family of Anthony Silva liked the idea of preserving the land. This is not an agricultural application as the land will be deeded to open space.

- Exhibit 1 – certification list
- Exhibit 2 – Affidavit
- Exhibit 3 – Proof of Publication

Attorney Morrow has reviewed the exhibits and determined that the Planning Board has jurisdiction.

Lot 41 will be 35.078 acres which will go to open space. Hunterdon Land Trust will purchase the land and then convey it to the County. Lot 42 will be 12.798 acres and has the remaining house. Variances are needed for lot width and frontage (the stem to the road). Witnesses are present.

Patrick Fatton – Heritage Consulting – sworn in by Lucille Grozinski. He prepared the survey for the property. He has been licensed in N.J. since 1990. His credentials were discussed and he was accepted as a professional.

Exhibit 4 – Map Minor Subdivision/Boundary Line Adjustment dated 12/20/13 colorized version of what was submitted with the application.

The orange is proposed lot 42 with a 25’ easement for the right of way. The existing house is toward the middle. Currently the house is served by the existing driveway which is on proposed 41 (once approved) and traverses to the house. The existing septic and well stays in tack. Lot 41 is currently land locked with a 12.12 acre parcel. A strip from Lot 42 will be added to the wooded lot and the other side will be 35.078 acres and use the existing driveway. This is an enhancement. The County owns property around this land. There was discussion about the wording of proposed preserved farmland when the wording should be proposed open space (which will be changed by Mr. Fatton and resent to the office).

Mr. Roseberry asked if the intention is to donate the land to Hunterdon Land Trust. If it is not donated (there was a correction here, the land is being sold to Hunterdon Land Trust) then what happens. The applicant wants to move forward with this project.

Mike Keady expressed concerns pertaining to the Highlands. The intention here is good but there are rules with the Highlands. This is in the Planning area. Attorney Groenberg reminded everyone that this is not creating a building lot but

agreed it can be sent to the Highlands Council for review. Mike Keady has concerns with lot size and agrees that this can be a condition of approval. Melissa Tigar had concerns about gravel going back to the open space. Attorney Groenberg said he did not see it but whatever is there will remain.

Witness #2 – Jackie Middleton – sworn in by Lucille Grozinski. Land Acquisition attorney for Hunterdon Land Trust. Hunterdon Land Trust is interested in this property for open space. There will be a 50/50 split with County Green Acres and Open Space. Hunterdon Land Trust is to buy the land and deed it to the County. The County wants access to Ellis Road. The County does not like to share easements with property owners and this application makes it clean for the future. This allows for open space to be increased and it allows access for existing County property.

No one had any questions.

Witness #3 – Frank Bell – County Architect. Mr. Bell discussed his credentials and Planner McKenzie stated that Mr. Bell has appeared before Holland's boards in the past. Mr. Bell was accepted as a witness.

Exhibit 5 – Diagram from the County showing land planning standards. The sketch shows the proposed project. The County wants separate access. The County will create this. A single driveway apron will be county standards. Planner McKenzie asked if the County intention is public access. The response was yes and Planner McKenzie then stated that it is a good reason to keep separate from a liability standard. Mike Miller asked for a numbers discussion and Rick Roseberry looked at the ordinance for a shared driveway apron of which he stated what proposed meets is our ordinance. Ken Grisewood questions the land disturbance if a driveway is put in and Mr. Roseberry stated that over 5000 square feet is the trigger. This can be a condition that outside agencies need to be involved if necessary. Soil Conservation would be the agency. Ken Grisewood questioned if there are any major trees involved with the project and it was stated that it is mostly open.

Witness #4 – Robert Lourentz – Sworn in by Lucille Grozinski. Mr. Lourentz has appeared before much board in NJ and our professional attested that he is a professional and was accepted as an expert. A bulk variance is needed but there is no hardship as the variance is more for the purpose of the project to create a situation for good public access and creating access to land that was previously a land locked parcel. He has reviewed the report prepared by Planner McKenzie and agrees that the benefits outweigh the detriment. The combination at one access is cleaner. A dual driveway plan provides the same if not better access for emergency and other vehicles to a residential lot than what is currently being used. Also the driveway portion where parallel also provides access in case of an emergency. The terrain is mostly flat. The 42' strip provides adequate area. It promotes conservation. More land is conserved than used for residential use. Dual access for open space is also a benefit in case of an emergency. Planner McKenzie spoke about the contour lines and how the driveways are flat so emergency vehicles can get in with ease. Attorney Morrow questioned the standard and it was put on the record that exhibit a5 showing standards are a model and not the real property. The illustration is showing that a combined apron is acceptable and adaptable. Mike Keady asked about the intent of opening the land to the public? Parking was also questioned. Planner McKenzie also stated that the Highlands Council will care about impervious coverage and that the Planning Board is not responsible for that calculation or concern. If the County wants to do a parking lot then they do not have to come before the Planning Board. The Highlands Council should have an exemption. Ken Grisewood questioned signage. There was discussion about signs. Mike Miller questioned the existing driveway as being a residential driveway on open space and then wanted to know if there was any intention to widen the driveway as 500' going to the back of the property is a lot for a one lane driveway. Mike Miller asked if someone was in the house and if there was an intention to sell? No one is living in the house but it is in the air as to what the estate will do. The house will be maintained as a residential unit. A license agreement will be for use of existing driveway until a new one is built.

Attorney Groenberg disagreed with Planner McKenzie's suggestion of a deed restriction of further subdivision. The estate is not interested in doing this as they believe it would lower the value. Planner McKenzie then stated that if they subdivided it would come back to the Planning Board and the Highlands Council would be involved so in theory Holland Township is protected. The resolution should reflect that any future development should be to the Highlands Council for review.

Public Comment – Ted Harwick – Bellis Road – it looks good to him and if anyone needs help with Deer Control please contact him.

A motion was made by Dan Bush and seconded by Mike Miller to close the public hearing. All present were in favor. Motion carried.

A motion was made by Dan Bush and seconded by Tom Scheibener to approve the application with conditions such as amending the plan to open space rather than farmland, the sale of the Hunterdon Land Trust will have a deed for open space, the application will be submitted to the Highlands Council for an exemption, the applicant will dedicate the 25' center line, there will be a deed easement, and if disturbance is more than 5000 square feet then it will trigger involvement from an outside agency (Soil Conservation). At a roll call vote, all present were in favor. Motion carried.

Sub-Committee Status and Updates:

Holland Township Waste Water Management Plan Second Draft2 (10-07-13) – Highlands Council - - Mr. Roseberry had a conflict and could not attend the recent Township Committee meeting to discuss this. There are not a lot of corrections from first round. Three of our comments were incorporated. Mike Keady expressed concerns with the TWA for the Huntington Knolls project. Planner McKenzie stated that Holland has to honor our commitment. No one knows what the COAH Round 3 Rules will be and what we will have to prove. The Huntington Knolls project is an approved COAH project. We do not have sewer now.

The Environmental Commission sub-committee consisting of Jerry Bowers, Henry Gore and Mike Keady have been making working on the Highlands Council Land Use Ordinance for Holland Township. Once the document is satisfactory, it will be presented to the Planning Board for endorsement to the Township Committee. The sub-committee has a number of questions that need to be addressed with the Highlands Council. The goal is to have the document adopted by the Township Committee in November. This also helps the Green Team with the quest for points for the Sustainable Jersey certification.

Public Comment

There were no comments from members of the public.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:50 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Secretary